

CHAPTER 350
ATHLETIC TRAINING

645—350.1(152D) Definitions.

“Active engagement” or *“actively engaged”* in the practice of athletic training, for the purposes of Iowa Code sections 152D.3(2) and 152D.3(3), means that an applicant is either:

1. Currently certified by the National Athletic Trainers Association, Board of Certification; or
2. Practicing athletic training as verified by notarized signatures from:

- The athletic director or administrator of the institution, facility, or agency for which the applicant is currently providing services; and
- The supervising physician for the institution, facility, or agency for which the applicant is currently providing services.

“Administrator” means the administrator of the Iowa board of athletic training examiners office.

“Board” means the Iowa board of athletic training examiners.

“Licensed athletic trainer” means a person licensed under Iowa Code chapter 152D.

“NATA” means the National Athletic Trainers Association.

“NATABOC” means the National Athletic Trainers Association Board of Certification.

“Physical reconditioning” means a part of the practice of athletic training which combines physical treatment and exercise and is carried out under the orders of a physician or physician assistant. Physical treatment is part of a service plan which includes but is not limited to the continued use of any of the following: cryotherapy, thermotherapy, hydrotherapy, electrotherapy, or the use of mechanical devices.

“Physician” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry under the laws of this state.

“Practice of athletic training” means the prevention, physical evaluation, emergency care, and physical reconditioning relating to injuries and illnesses incurred through sports-induced trauma, which occurs during the preparation for or participation in a sports competition or during a physical training program, either of which is sponsored by an educational institution, amateur or professional athletic group, or other recognized sponsoring organization, by a person who uses the title of licensed athletic trainer.

“Supervising physician” means a physician who supervises the athletic training services provided by a licensed athletic trainer.

“Supervision” means that a supervising physician directs the performance of a licensed athletic trainer in the development, implementation, and evaluation of an athletic training service plan as set out in 645—350.9(152D). Supervision shall not be construed as requiring the personal presence of a supervising physician at each activity of the licensed athletic trainer. It is the responsibility of the licensed athletic trainer to ensure that the practice of athletic training is carried out only under the supervision of a licensed physician.

645—350.2(147) Availability of information.

350.2(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, records of meetings, and records of hearings is available to the public between the hours of 8 a.m. and 4:30 p.m., Monday to Friday, except holidays.

350.2(2) Information may be obtained by writing to Administrator, Iowa Board of Athletic Training Examiners, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. All official correspondence shall be in writing and directed to the board address.

645—350.3(147) Organization and proceedings of the board.

350.3(1) The Iowa board of athletic training examiners consists of seven members appointed by the governor and confirmed by the senate. The members of the board shall include three licensed athletic trainers, three physicians licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery who shall represent the general public. Members shall serve three-year terms. A quorum shall consist of a majority of the members of the board.

350.3(2) A chairperson, vice chairperson, and secretary shall be elected at the first board meeting after April 30 of each year.

350.3(3) The board shall hold quarterly meetings and may hold additional meetings as called by the board chairperson, a majority of the board members, or the administrator. The chairperson shall designate the date, place, and time prior to each meeting of the board. The board shall follow the latest edition of Robert's Revised Rules of Order whenever any objection is made as to the manner in which it proceeds at a meeting.

645—350.4(152D) Temporary licensure. Rescinded IAB 10/7/98, effective 11/11/98.

645—350.5(152D) Temporary license renewal. Rescinded IAB 10/7/98, effective 11/11/98.

645—350.6(147,152D) Licensure requirements. An applicant for a license as a licensed athletic trainer shall meet the following requirements:

350.6(1) Graduation and receipt of a baccalaureate degree or postbaccalaureate degree from a U.S. regionally accredited college or university with proof of completion of the following courses:

- a. Advanced athletic training;
- b. Basic athletic training;
- c. Health;
- d. Human anatomy;
- e. Human physiology;
- f. Kinesiology; and
- g. Physiology of exercise.

Applicants who have obtained their education outside the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or postbaccalaureate degree conferred by a U.S. regionally accredited college or university in addition to providing proof of completion of the above coursework.

350.6(2) Successful completion of the National Athletic Trainers Association Board of Certification examination. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted to the Iowa board of athletic training examiners.

645—350.7(152D) Application for licensure.

350.7(1) Any person seeking a license shall submit to the board a completed application form which is provided by the board.

350.7(2) The application form shall be completed in accordance with instructions contained in the application. If the application is not completed in accordance with the instructions, the application will not be reviewed by the board and the applicant will be so notified.

350.7(3) Each application shall be accompanied by a check or money order in the amount required payable to the Iowa Board of Athletic Training Examiners.

350.7(4) No application will be considered until requested supporting documents and fee have been received by the board.

645—350.8(152D) Documentation of physician supervision. Each licensee must maintain documentation of physician supervision. It is the responsibility of the licensee to ensure that documentation of physician supervision is obtained and maintained, including the following:

1. Athletic training service plan as set out in 645—350.9(152D);
2. Dates and names of physician and physician assistant orders or referrals;
3. Initial evaluations and assessments;
4. Treatments and services rendered, with dates; and
5. Dates of subsequent follow-up care.

645—350.9(152D) Athletic training service plans. Athletic training service plans shall be composed of the following components as taken from the NATA Board of Certification 1991 Standards of Athletic Training for Direct Service and for Service Programs.

350.9(1) Standards for athletic training—direct service.

a. Standard 1—direction. The athletic trainer renders service or treatment under the direction of a physician or dentist.

b. Standard 2—injury and ongoing care services. All services should be documented in writing by the athletic trainer and shall become part of the athlete's permanent records.

c. Standard 3—documentation. The athletic trainer shall accept responsibility for recording details of the athlete's health status. Documentation shall include:

- (1) Athlete's name and any other identifying information.
- (2) Referral source (doctor, dentist).
- (3) Date, initial assessment, results and database.
- (4) Program plan and estimated length.
- (5) Program methods, results and revisions.
- (6) Date of discontinuation and summary.
- (7) Athletic trainer's signature.

d. Standard 4—confidentiality. The athletic trainer shall maintain confidentiality as determined by law and shall accept responsibility for communicating assessment results, program plans, and progress with other persons involved in the athlete's program.

e. Standard 5—initial assessment. Prior to treatment, the athletic trainer shall assess the athlete's level of functioning. The athlete's input shall be considered an integral part of the initial assessment.

f. Standard 6—program planning. The athletic training program objectives shall include long- and short-term goals and an appraisal of those which the athlete can realistically be expected to achieve from the program. Assessment measures to determine effectiveness of the program shall be incorporated into the plan.

g. Standard 7—program discontinuation. The athletic trainer, with collaboration of the physician or dentist, shall recommend discontinuation of the athletic training service when the athlete has received optimal benefit of the program. The athletic trainer, at the time of discontinuation, shall note the final assessment of the athlete's status.

350.9(2) Standards for athletic training—service program. The following are minimal standards. Each one is essential to the practice of athletic training. It is intended that these standards be used by administrators as well as by athletic training personnel in the development of their service programs and to assess their effectiveness.

a. Standard 1—objectives. Basic to the development of any program are its intended purposes. Objectives and applicable policies should be clearly outlined for each activity, such as: athletic treatment, education of personnel, supervision and interdisciplinary relations. The objectives of the service program should implement those of the institution itself.

b. Standard 2—planning. Each objective should be supported by detailed plans for its implementation.

c. *Standard 3—evaluation.* Objective methods of data collection and analysis should be used in relation to each component of the program to determine the need for service, assess its effectiveness and indicate a need for change.

d. *Standard 4—types of services offered.* Athletic training is appropriately a health service offered under the direction of a physician or dentist for the prevention, immediate care, management/disposition and reconditioning of athletic injuries.

e. *Standard 5—personnel.* The service program should be directed by a NATA-certified athletic trainer who has met the qualifications established by the National Athletic Trainers Association Board of Certification, Inc. Education, qualifications and experience of all other personnel should meet existing standards and should be appropriate to their duties.

f. *Standard 6—facilities and budget.* Space, equipment, supplies and a continuing budget should be provided by the institution and should be adequate in amount, variety and quality to facilitate the implementation of the service program.

g. *Standard 7—records.* Objective, permanent records of each aspect of the service program should indicate:

- (1) Date, name of physician or dentist referral;
- (2) Initial evaluation and assessment;
- (3) Treatment or services rendered, with date; and
- (4) Dates of subsequent follow-up care.

h. *Standard 8—reports.* Written reports on each aspect of the service program should be made annually.

645—350.10(147,152D) License renewal.

350.10(1) The biennial license renewal period shall extend from March 1 of each odd-numbered year to February 28 of the next odd-numbered year.

350.10(2) At least one month before the renewal date a renewal notice will be sent to each license holder, who according to the board's records has complied with the continuing education requirements, at the last address in the board's file. Failure to receive the notice shall not relieve the license holder of the obligation to pay biennial renewal fees on or before the renewal date.

350.10(3) If the licensee renews within 30 days after the renewal date, a penalty fee of \$50 is required in addition to the renewal fee.

350.10(4) The board reserves the right to audit documentation of physician supervision with license renewal.

645—350.11(147,152D) Fees. All fees are nonrefundable.

350.11(1) Application fee for a license to practice athletic training is \$100.

350.11(2) Biennial renewal fee for a license to practice athletic training is \$100.

350.11(3) Penalty fee for failure to submit renewal fee when due is \$50.

350.11(4) Reinstatement fee for a lapsed license is \$100.

350.11(5) Fee for a duplicate license if lost or stolen is \$10.

350.11(6) Fee for a certified statement that a licensee is licensed in this state is \$10.

350.11(7) Fee for a returned check is \$15.

645—350.12(272C) License denial.

350.12(1) An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a notice of appeal and request for hearing upon the board not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing as outlined herein shall specifically delineate the facts to be contested and determined at hearing.

350.12(2) If an applicant who has been denied licensure by the board appeals the licensure denial and requests a hearing pursuant to this rule, the hearing and subsequent procedures shall be held pursuant to the process outlined in rule 350.28(272C).

645—350.13(272C) Continuing education.

350.13(1) The biennial continuing education compliance period shall extend from October 1 of each even-numbered year to September 30 of the next even-numbered year. During this period of time, 50 hours of approved continuing education shall be completed by the licensee in order to renew the license for the next biennial license period beginning March 1 of the next odd-numbered year.

350.13(2) If a new license holder is licensed during the first year of the biennial continuing education period, the licensee shall be required to complete only 25 hours of continuing education for renewal of the license. If a new license holder is licensed during the second year of the biennial continuing education period, the licensee is exempt from meeting continuing education requirements of the first license renewal.

350.13(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity offered by a provider approved by the department, upon recommendation of the board.

350.13(4) No hours of continuing education shall be carried over into the next continuing education period.

350.13(5) It is the responsibility of each licensee to finance the costs of continuing education.

350.13(6) The board reserves the right to audit a licensee's continuing education records each biennium. Falsifying reports or failure to meet continuing education requirements may result in formal disciplinary action.

645—350.14(272C) Standards for approval of providers of continuing education activities. An organization, institution, agency, or individual shall be qualified for approval as a provider of continuing education activities if either:

350.14(1) The provider is currently a NATABOC-approved provider of continuing education; or

350.14(2) The provider, by application to the board, demonstrates each of the following:

- a.* The provider presents organized programs of learning;
- b.* The provider presents subject matter which integrally relates to the practice of athletic training;
- c.* The provider's program activities contribute to the professional competency of the licensee;
- d.* The provider's program presenters are individuals who have education, training, or experience by reason of which said individuals may be considered qualified to present the subject matter of the programs; and
- e.* The sponsor registers annually with the board and provides proof of continued compliance with paragraphs "a" to "d" above.

645—350.15(272C) Procedures for approval of providers of continuing education activities.

350.15(1) An organization, institution, agency, or individual which desires to be designated as an approved sponsor of continuing education activities shall apply on a form provided by the board. If approved by the board, such organization, institution, agency, or individual shall be designated as an approved sponsor of continuing education activities; and the activities of such an approved sponsor which are relevant to the practice of athletic training shall be deemed automatically approved for continuing education credit.

350.15(2) All approved sponsors shall issue a certificate of attendance to each licensee who attends a continuing education activity. The certificate shall include the sponsor name and number; date of program; name of participant; total number of hours excluding breaks and meals; program title and presenter; and program site.

350.15(3) All sponsors shall keep on record for at least four years a list of licensees attending the continuing education program and a content outline of that program. Upon request of the board, these records shall be submitted to the board within 30 calendar days of the request.

350.15(4) The board may at any time reevaluate an approved sponsor. If, after reevaluation, the board finds there is cause for revocation of the approval of an approved sponsor, the board shall give notice by certified mail to that sponsor of the revocation. The sponsor shall have the right to a hearing regarding the revocation. The request must be sent within 20 days after receipt of the notice of revocation. The hearing shall be held within 90 days after the receipt of the request for hearing. The board shall give notice by certified mail to the sponsor of the date set for the hearing at least 30 days prior to the hearing. The hearing shall be conducted by the board. The final decision shall be rendered by the board.

645—350.16(272C) Reporting of licensee. Each licensee shall be required to submit a licensee's report on continuing education to the board at the time of license renewal. The board will select the licensees whose continuing education reports will be audited by the board. Each licensee to be audited will be required to provide copies of certificates of attendance or completion for all reported activities. Additional documentation may be requested.

645—350.17(272C) Disability or illness. The board may, in individual cases involving disability or illness, grant a waiver of the continuing education requirements for a period of up to one calendar year. A written request for waiver shall be submitted by the licensee and shall be accompanied by acceptable documentation.

645—350.18(272C) Hearings—continuing education. In the event of denial, in whole or in part, of any application for approval of continuing education program or credit for continuing education activity, the applicant or licensee shall have the right to request a hearing. The request must be sent within 20 days after receipt of the notification of denial. The hearing shall be held within 90 days after the receipt of the request for hearing. The hearing shall be conducted by the board. The final decision shall be rendered by the board.

645—350.19(272C) Inactive licensure. A licensee who is not engaged in the practice of athletic training in the state of Iowa residing within or without the state of Iowa may be granted a waiver of compliance upon written application to the board. The application shall contain a statement that the licensee will not hold oneself out to the public as a licensed athletic trainer during the time the license is inactive. The application for waiver of compliance shall be submitted upon a form provided by the board.

645—350.20(272C) Reinstatement of inactive license. The board may reinstate an inactive license upon completion of all of the following:

1. A written request for reinstatement;
2. Payment of the current renewal fee; and
3. Completion of continuing education requirements for the period of time the license was inactive.

645—350.21(272C) Reinstatement of lapsed license.

350.21(1) A license shall be considered lapsed if not renewed within 30 days of renewal date. If the license lapses, the practice of holding oneself out as licensed to practice athletic training must cease until a license is reinstated by the board.

350.21(2) A licensee who wishes to reinstate a lapsed license shall pay past due renewal fee to a maximum of four years, a reinstatement fee, and penalty fees.

350.21(3) Continuing education requirements for the period of time the license was lapsed are not waived.

350.21(4) Application for reinstatement shall be made on a form provided by the board.

645—350.22(272C) Complaints. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.23(272C) Report of malpractice claims or actions. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.24(272C) Investigation of complaints or malpractice claims. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.25(272C) Methods of discipline. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.26(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:

350.26(1) Fraud in procuring a license.

350.26(2) Professional incompetency.

350.26(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

350.26(4) Habitual intoxication or addiction to the use of drugs.

350.26(5) Conviction of a felony related to the profession or occupation of the licensee. A copy of record of conviction or plea of guilty shall be conclusive evidence.

350.26(6) Fraud in representations as to skill or ability.

350.26(7) Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

350.26(8) Involuntary commitment for treatment of mental illness or substance abuse.

350.26(9) Representing oneself as a licensed athletic trainer when the license has been suspended or revoked.

350.26(10) Revocation, suspension, or other disciplinary action taken by a certification/licensure authority of another state, territory, or country; or failure of the licensee to report such action in writing to the administrator of the board of athletic training.

350.26(11) Negligence by the licensee:

- a. Failure to exercise due care.
- b. Improper delegation of duties or inadequate supervision of employees or other individuals, whether or not injury results.
- c. Conduct, practice, or conditions which impair the ability to safely and skillfully practice the profession.

350.26(12) Prohibited acts:

- a. Permitting another person to use one's license.
- b. Practicing outside the scope of the profession.
- c. Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.
- d. Verbally, physically, or sexually abusing clients/patients.
- e. Any sexual intimidation between an athletic trainer and a client/patient.

350.26(13) Unethical business practices:

- a. False or misleading advertising.
- b. Betrayal of a professional confidence.
- c. Falsifying client/patient records.
- d. Professional conflict of interest.
- e. Misappropriation of funds.

350.26(14) Failure to report a change of name or address to the Administrator, Athletic Trainer Advisory Board, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 30 days.

350.26(15) Falsification of a continuing education record.

350.26(16) Failure to report any judgment or settlement of malpractice claim or action to the Administrator, Athletic Trainer Advisory Board, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 30 days of occurrence.

350.26(17) Failure to comply with a subpoena issued by the department.

350.26(18) Failure to report to the board any violation by another licensee of the grounds for discipline as listed in this rule.

350.26(19) Failure to respond to a request from the board within 30 days of certified mail notice of the request for response.

350.26(20) Failure to maintain timely and adequate records.

350.26(21) An athletic trainer shall not engage in sexual misconduct. Sexual misconduct includes the following:

- a. Engaging in or soliciting a sexual relationship, whether consensual or nonconsensual, with a patient.
- b. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with a patient.

350.26(22) Failure to adequately supervise personnel.

350.26(23) Violating a lawful order of the board, previously entered by the board in a disciplinary or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

350.26(24) Obtaining third-party payment through fraudulent means. Third-party payers include, but are not limited to, insurance companies and government reimbursement programs. Obtaining payment through fraudulent means includes, but is not limited to:

- a. Reporting incorrect treatment dates for the purpose of obtaining payment;
- b. Reporting charges for services not rendered;
- c. Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which the licensee is entitled; or
- d. Aiding a patient in fraudulently obtaining payment from a third-party payer.

350.26(25) Violation of any board statute or administrative rule.

645—350.27(272C) Alternative procedures and settlement. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.28(272C) Disciplinary hearings. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.29(272C) Discretion of board. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.30(272C) Peer review committees. Rescinded IAB 7/14/99, effective 8/18/99.

645—350.31(272C) Disciplinary hearings—fees and costs.

350.31(1) The board may charge a fee not to exceed \$75 for conducting a disciplinary hearing which results in disciplinary action taken against the licensee by the board. An order assessing a fee shall be included as part of the board's final decision. The order shall direct the licensee to deliver payment directly to the professional licensure division as provided for in subrule 350.31(8).

350.31(2) In addition to this fee, the board may also recover from the licensee the cost for transcripts, witness fees and expenses, depositions, and medical examination fees. The board may assess these costs in the manner it deems most equitable.

350.31(3) The cost of the transcript includes the transcript of the original contested case hearing before the board, as well as transcripts of any other formal proceedings before the board which occur after the notice of the contested case hearing is filed.

350.31(4) Witness fees and expenses.

a. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing.

b. The board may assess to the licensee the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.

c. The costs for lay witnesses shall be determined in accordance with Iowa Code section 622.69. For purposes of calculating the mileage expenses allowed under this rule, the provisions of Iowa Code section 625.2 do not apply.

d. The costs for expert witnesses shall be determined in accordance with Iowa Code section 622.72. For purposes of calculating the mileage expenses allowed under this rule, the provisions of Iowa Code section 625.2 do not apply.

e. The provisions of Iowa Code section 622.74 regarding advance payment of witness fees and the consequences of failure to make such payment are applicable with regard to witnesses who are subpoenaed by either party to testify at the hearing.

f. The board may assess as costs the meal and lodging expenses necessarily incurred by witnesses testifying at the request of the state of Iowa. Meal and lodging costs shall not exceed the reimbursement employees of the state of Iowa receive for these expenses under the department of revenue and finance guidelines in effect January 1, 1994.

350.31(5) Depositions.

a. The costs for depositions include the cost of transcripts, the daily charge of the court reporter for attending and transcribing the deposition, and all mileage and travel time charges of the court reporter for traveling to and from the deposition which are charged in the ordinary course of business.

b. Deposition costs for purposes of allocating costs against a licensee include only those deposition costs incurred by the state of Iowa. The licensee is directly responsible for the payment of deposition costs incurred by the licensee.

c. If the deposition is that of an expert witness, the deposition costs include a reasonable expert witness fee. This fee shall not exceed the expert's customary hourly or daily fee, and shall include the time reasonably and necessarily spent in connection with such depositions, including the time spent in travel to and from the deposition, but excluding time spent in preparation for that deposition.

350.31(6) Within ten days after conclusion of a contested case hearing and before issuance of any final decision assessing costs, the designated staff person shall certify any reimbursable costs to the board. The designated staff person shall calculate the specific costs, certify the cost calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on each party of record at the time of filing.

350.31(7) A final decision of the board imposing disciplinary action against a licensee shall include the amount of any fee assessed, which shall not exceed \$75. If the board also assesses costs against the licensee, the final decision shall include a statement of costs delineating each category of costs and the amount assessed. The board shall specify the time period in which the fees and costs must be paid by the licensee.

350.31(8) All fees and costs assessed pursuant to this chapter shall be in the form of a check or money order made payable to the State of Iowa and delivered by the licensee to the professional licensure division.

350.31(9) Failure of a licensee to pay a fee and costs within the time specified in the board's decision shall constitute a violation of an order of the board and shall be grounds for disciplinary action.

645—350.32(272C) Publication of decisions. Rescinded IAB 10/7/98, effective 11/11/98.

These rules are intended to implement Iowa Code chapters 152D and 272C.

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CHAPTERS 351 to 354

Reserved

CHAPTER 355

PETITIONS FOR RULE MAKING

Rescinded IAB 7/14/99, effective 8/18/99

CHAPTER 356

DECLARATORY RULINGS

Rescinded IAB 7/14/99, effective 8/18/99

CHAPTER 357

AGENCY PROCEDURE FOR RULE MAKING

Rescinded IAB 7/14/99, effective 8/18/99

CHAPTER 358

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Rescinded IAB 7/14/99, effective 8/18/99